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Shpack  
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VIA FEDERAL EXPRESS

U.S. Environmental Protection Agency  
Barbara O'Toole (HBS)  
Search & Cost Recovery Section  
Office of Site Remediation & Restoration  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

RE: Shpack Landfill Superfund Site;  
Supplemental 104(E) Request For  
Information Response Of Teknor Apex  
Company

Dear Ms. O'Toole:

This letter is submitted on behalf of Teknor Apex Company ("Teknor") as a supplement to its May 26, 2006 104(e) response to question nos. 10(h) and (i). On or about August 3, 2006, Teknor made a Freedom of Information Act request to the Federal Trade Commission regarding FTC Decision & Order dated November 1967, No. C-1270 ("the FTC Order"). The FTC Order governed the terms and conditions of Continental's 1968 divestiture of Thompson Apex Company.<sup>1</sup> The insight offered through the history leading up to and following the FTC Order is relevant to the discovery of the party, if any, with whom the alleged Thompson Chemical CERCLA liabilities accrued.

On September 29, 2006, Teknor received a FOIA response from the FTC. The entire FTC response is provided herewith. Please note that the markings found on the FTC documents were already present upon my receipt of them from the FTC. In order to help clarify Teknor's position, this supplemental response contains references to

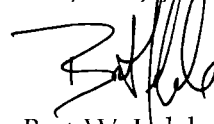
<sup>1</sup> See May 26, 2006 Teknor Apex Company 104(e) Response, Appendix D, Exhibit I, pg. 3, paragraph no. 2, "WHEREAS, pursuant to the Federal Trade Commission Decision & Order bearing docket no. C-1270 (the Consent Order). Seller has agreed to divest certain of its assets, properties, rights, and privileges..."

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pertinent documents from the FTC's response that are identified as exhibits. As you will see, the attached documents support Teknor's position that it is not the successor of the Thompson Chemical Company liabilities. Consistent with the previous submission, any liabilities that arose after the liquidation and dissolution of Thompson Chemical necessarily accrued with either the company that purchased the stock, then subsequently liquidated, and dissolved Thompson Chemical (Continental), and/or with the company that purchased the post-dissolution Thompson Chemical PVC business as a going concern. The previous submission demonstrated that Continental purchased the stock of Thompson Chemical and Apex Tire & Rubber Company, and then liquidated and dissolved them in 1965. This supplemental submission demonstrates that Olin Mathieson Chemical Company ("Olin") purchased the post-dissolution Thompson Chemical PVC business, as a going concern. As such, I would respectfully request that Olin be provided with a Special Notice Letter so that the appropriate parties are involved in this process.

Also, I noticed that page no. 2 of Exhibit D in Appendix D to the May 26, 2006, 104(e) submittal was inadvertently left out. I have included a full copy of that exhibit to supplement Appendix D to the May 26, 2006 submittal. Exhibit D is the Indenture Agreement that Continental executed in concert with liquidating and dissolving Thompson Chemical Company. Page no. 2 demonstrates that Continental, as the parent company, and in recognition of the pending dissolution of Thompson Chemical Company, agreed to a broad assumption of the liabilities of Thompson Chemical Company, its subsidiary (See Section 3). Furthermore, I would like to point out that Exhibits A and B of the May 26 response were placed out of order. Please accept my apologies for this error.

Very truly yours,



Bret W. Jedele  
Counsel for  
Teknor Apex Company

cc: Teknor Apex Company  
Audrey Zucker, EPA Office of Environmental Stewardship  
Michael Last, Esq., Shpack Site Steering Committee Representative

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